UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD PENCE, *et al.*,

Plaintiffs,

v.

MUNSON HOSPITAL, *et al.*,

Defendants.
______________________________/

CASE NO. 1:17-CV-432

HON. ROBERT J. JONKER

ORDER

This matter is before the Court on Plaintiffs' Motion to Seal (ECF No. 3). The motion states, in its entirety, "Request to Seal." (*Id.*) Plaintiffs do not specify the documents they wish to seal. Nor do they offer any rationale or support for the request to seal. The Court **DENIES** the motion, because Plaintiffs fail to establish good cause.

A document filed with the Court becomes a judicial record. *Pansy v. Stroudsburg*, 23 F.3d 772, 781 (3d Cir. 1994). The right to public access to judicial records is presumed. *Picard Chem. Inc. Profit Sharing Plan v. Perrigo Co.*, 951 F. Supp. 679, 690 (W.D. Mich. 1996); *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1177-80 (6th Cir. 1983). A party who wants to overcome that presumption carries the burden of showing particularized need for sealed filing. *Tinman v. Blue Cross & Blue Shield of Michigan*, 176 F. Supp. 2d 743, 745-46 (citing *Waelde v. Merch, Sharp & Dohme*, 94 F.R.D. 27, 28 (E.D. Mich. 1981)). To determine whether Plaintiffs have overcome the presumption of access, the Court balances the public's interest against Plaintiffs' interest in confidentiality. *Picard*, 951 F. Supp. at 691 (citing *Matter of Continental*, 732 F.2d 1302, 1313 (7th Cir. 1984)). The "preference for public access is rooted in the public's first amendment right to know about the administration of justice." *Id.* (quoting *In re Orion Pictures Corp.*, 21 F.3d 24, 26 (2d Cir. 1994)). Public access "helps safeguard 'the integrity, quality and respect in our judicial system' and permits the public to 'keep a watchful eye on the workings of public agencies.'" *Id.* (quoting *Orion*, 21 F.3d at 26). *See generally Shane Group, Inc., et al. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299 (6th Cir. 2016); *Rudd Equipment Co., Inc. v. John Deere Construction & Forestry Co.*, 834 F.3d 589 (6th Cir. 2016). Plaintiffs present nothing that overcomes the strong presumption in favor of public access to judicial records. There is no showing of good cause, and the motion fails.

The Court nevertheless directs the Clerk of the Court to maintain Plaintiffs' submissions under seal, because Plaintiffs' submissions needlessly include photographs of minors and are replete with references to the full names of and other personally identifying information about minors, in violation of the rules on redacting such information. FED. R. CIV. P. 5.2. In light of this flagrant violation, the Court *sua sponte* will maintain Plaintiffs' submissions preceding this Order under seal and give Plaintiffs an opportunity to file an amended complaint that complies with the rules.

Accordingly, **IT IS ORDERED**:

1. The Motion to file Under Seal (ECF No. 3) is **DENIED** due to failure to show good cause.

2. The Clerk of the Court is nevertheless directed to maintain Plaintiffs' submissions predating this Order (ECF Nos. 1, 2, 3) under seal because of Plaintiffs' flagrant violations of the rules on redacting information.

3. The Clerk of the Court is directed to unseal the Court's order denying Plaintiffs' motion for temporary restraining order (ECF No. 4).

3. Plaintiffs may file a properly-redacted amended complaint no later than May 19, 2017. Failure to do so will lead to dismissal of this case for failure to prosecute as required by rule and order.

DATED: May 11, 2017

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE